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ERASING hate

A GUIDE TO YOUR CIVIL RIGHTS IN SCHOOL: YOUR RIGHT TO BE FREE FROM DISCRIMINATION, HARASSMENT, AND HATE-MOTIVATED VIOLENCE

By joining together, we can erase hatred in our schools. I believe that all of us -- students, teachers, school administrators, and law enforcement officials -- share the responsibility to create a safe, diverse, and positive learning environment that prepares young people for the world of the 21st century. We must celebrate our differences and applaud our diversity.

You have the right to learn in an environment that is free from hate-motivated violence, harassment, and discrimination based on race, color, religion, national origin, ethnic background, gender, sexual orientation, or disability. This guide is designed to inform you of the laws protecting you against hate-based crimes, as well as the resources available for reporting bias-motivated harassment, discrimination, or violence.

I am confident that, working together, we can ensure that all students in Massachusetts have access to an educational experience free from

harassment and victimization
by hate crimes.

Sincerely,

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HATE CRIMES

You have the right to attend school without being the victim of physical violence, threats of harm, intimidation or damage to your personal property. A hate crime occurs when you or a fellow student is targeted for physical assault, threat of bodily harm or intimidation, at least in part because you are a member of a different race, color, religion, ethnic background, national origin, gender or sexual orientation from the offender or because you have a disability.

Certain types of language or conduct may indicate that a hate crime has occurred. Some indicators that a crime was hate-motivated include:

- ◆ Use of racial, ethnic, religious, sexual or anti-gay slurs;
- ◆ Use of symbols of hate, such as a swastika or a burning cross;
- ◆ Similar behavior by the wrongdoer towards other students from the same racial, ethnic or religious group or against students of the same sexual orientation or gender; and
- ◆ The incident occurs while the victim was participating in an activity promoting a racial, religious, ethnic/national origin, disability, gender or sexual orientation group, such as attending a meeting of the National Association for the Advancement of Colored People (NAACP), a students' gay rights alliance, or a disability rights demonstration.

Hate crimes most frequently occur in the following ways:

- ◆ A physical attack or a threat of bodily harm, on the basis of a student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability;
- ◆ Intimidating or threatening language based on a student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability; or
- ◆ Damage to a student's personal property or belongings because of the student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability.

HARASSMENT

Harassment in school occurs when a student or adult's behavior or inappropriate language creates a hostile, offensive or intimidating school environment. A single incident, depending on its severity, may constitute illegal harassment.

A hostile, offensive or intimidating school environment may be created by behaviors such as the following:

- ◆ Degrading, demeaning, insulting or abusive verbal statements or writings of a sexual or racial nature or related to a student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability;
- ◆ Graffiti, slogans or other visual displays (such as swastikas and burning crosses) which contain racial, ethnic, religious slurs or insults based on the student's gender, sexual orientation or disability;
- ◆ Treatment of a student in a more or less favorable way because the student submitted to or rejected sexual advances or requests for a social relationship; and
- ◆ Unwelcome sexual advances, including same-gender harassment.

OTHER RESOURCES

American Civil Liberties Union (ACLU) of Massachusetts (617) 482-3170

The ACLU provides free legal advice and advocacy to students and educates students on issues of discrimination, harassment, civil rights and civil liberties.

Anti-Defamation League (ADL) (617) 457-8800

The ADL provides advocacy, support and legal referral services to victims of hate crimes, harassment and discrimination. The ADL's "World of Difference" Program works with schools to fight anti-Semitism, prejudice, bigotry and racism.

Asian American Resource Workshop: SafetyNet Hate Violence Prevention Project (617) 426-5313

SafetyNet assists Asian Americans in reporting hate crimes and obtaining access to police, prosecutors and the court system, and provides free and confidential support and referral services. Interpretive services are available.

Boston Alliance of Gay & Lesbian Youth (BAGLY) 1-800-42-BAGLY or (617) 227-4313 (Main Office)

BAGLY is a youth-run, adult-advised social support group to discuss issues of concern to gay, lesbian, bisexual and transgender (GLBT) youth. BAGLY also offers a peer counseling program and referrals to professional services.

Boston Asian: Youth Essential Services (YES) (617) 482-4243

Boston Asian YES provides violence prevention, counseling, crisis intervention, gang prevention and substance abuse services for Asian youth in the Greater Boston area.

Boston Gay and Lesbian Adolescent Social Services (GLASS) (617) 266-3349

Boston GLASS provides social services, peer support, educational opportunities and health promotion activities for GLBT and questioning young adults ages 25 and under.

Childhelp USA National Child Abuse Hotline 1-800-4-A-CHILD

The Child Abuse Hotline provides crisis counseling and referral to any caller in an abuse-related situation.

Children's Law Center of Massachusetts (781) 581-1977

The Children's Law Center represents students and provides advocacy and training on issues affecting the civil and legal rights of students and their education.

Coalition for Asian Pacific American Youth (CAPAY) (617) 287-5689

CAPAY is a youth-run organization that focuses on improving race relations, providing peer support and developing leadership skills for Asian Pacific-American youth.

Domestic Violence Ended (DOVE) Youth Hotline (617) 773-HURT or (617) 471-1235

DOVE's Youth Hotline provides a safe, confidential and anonymous place for young adults to talk about domestic violence issues and receive support and referral services.

Fenway Community Health Center (617) 267-2535 (Gay and Lesbian Peer Listening Line) (617) 267-0900, ext. 6250 (Violence Recovery Program)

The Peer Listening Line is staffed by volunteers who provide support to callers with questions regarding their sexual orientation and access to community services. The Violence Recovery Program provides support and referral services to victims of hate crimes and harassment.

Gang Peace (617) 989-1285

Gang Peace provides peer-based education and training to youth ages 9 through 25, with an emphasis on rehabilitating gang members and youth at risk, providing programs in violence prevention and intervention, crisis management, mediation and HIV education.

DISCRIMINATION

Every student is entitled to equal educational opportunities. A student may not be subjected to discipline or more severe punishment for wrongdoing nor denied the same rights as other students because of his or her race, color, religion, national origin, ethnic background, gender, sexual orientation or disability, including in:

- ◆ Course Registration
- ◆ Guidance Counseling and Course Instruction
- ◆ Extra-Curricular Activities and Athletic Programs

○ **Students with Disabilities** are protected under federal and state law from discrimination. Such students are entitled to: (1) have their programs and activities in a physically accessible location; (2) be ensured "effective communication," including, where necessary, the provision of additional aids and services; and (3) reasonable modification of a school's policies and practices, where necessary, to receive an equal opportunity education. Students with special educational needs may be entitled to an individualized educational program.

WHAT YOU SHOULD DO IF YOU ARE A VICTIM OF A HATE CRIME, HARASSMENT OR DISCRIMINATION

If you have been physically attacked, threatened with physical harm or discriminated against while in school or while participating in a school-related activity, because of your race, color, religion, national origin, ethnic background, gender, sexual orientation or disability, or if you witness these acts against another student:

Notify your local police in an emergency or if your or another student's personal safety is in danger.

In all circumstances where you are the subject of any incident of harassment or any incident involving intimidation, threat of violence or physical attack, you should **notify a school official**.

If your physical safety is not in danger, you may want to try to speak with the person you feel has harassed you or discriminated against you -- for example, the teacher, coach, other student or administrator -- to request that the offensive conduct stop. Only do this if you feel safe and are comfortable doing so. If you do not feel safe or comfortable doing this alone, ask someone you trust -- such as a parent, a good friend, a family member, the school nurse, a teacher or your guidance counselor -- to accompany you.

- ◆ Talk about the situation with your parents, your guardian or another adult whom you trust.
- ◆ If there is still a problem, make an appointment with your school principal to explain why you believe your rights have been violated.
- ◆ If your principal feels that your rights are not being violated or if, for some reason, you are not able to meet with him or her, talk with your school superintendent.
- ◆ If you still feel that your concerns are not being appropriately addressed, you may file a formal complaint with your school superintendent and the school committee. Your school committee must respond to you in writing within 30 days of your filing a complaint.
- ◆ You may also request an investigation of your complaint by contacting your school district's Office of Equity or the person designated to coordinate or handle harassment and discrimination complaints in your school district.

WHERE ELSE CAN YOU TURN FOR HELP?

Your school should take appropriate action to protect you from physical harm and to stop hate-motivated harassment or intimidation and prevent it from happening again. If it does not, you should report the incident to one or more of the agencies listed below.

✓ **Massachusetts Department of Education (DOE)**

**350 Main Street
Malden, MA 02148
(617) 388-3000**

The state DOE's Problem Resolution System allows you, your parents and others to file a complaint if you believe you have been harassed or discriminated against.

✓ **Massachusetts Office of the Attorney General, Civil Rights Division**

**One Ashburton Place
Boston, MA 02108
(617) 727-2200**

The Attorney General's Civil Rights Division reviews complaints of harassment, intimidation and discrimination in schools and determines appropriate legal action, including obtaining a restraining order.

✓ **United States Department of Education, Office for Civil Rights**

**John W. McCormack Building
Post Office and Court House, Room 701
Boston, MA 02109
(617) 223-9662**

The Office for Civil Rights receives and investigates complaints of discrimination and harassment.

✓ **Massachusetts Commission Against Discrimination (MCAD)**

**One Ashburton Place
Boston, MA 02108
(617) 727-3990 or (413) 739-2145**

The MCAD investigates complaints about discrimination in any public school program or course of study. Filing must occur within 6 months of the alleged discriminatory educational practice or harassment incident.

✓ **Massachusetts Department of Social Services (DSS)**

**1-800-KIDS-508: State-wide Child Abuse/Neglect Reporting Line
1-800-792-5200: Child at Risk Hotline/evenings, nights and weekends**

DSS investigates reports involving a student under 18 years old who suffers physical or emotional injury from abuse (including sexual abuse) or severe neglect (including malnutrition).

✓ **United States Department of Justice**

**Community Relations Service (CRS)
99 Summer Street, Suite 1820
Boston, MA 02110
(617) 424-5715**

CRS is a specialized federal conciliation service that assists school districts to manage and prevent racial and ethnic conflicts and disruptions in schools.

OTHER RESOURCES

Gay & Lesbian Advocates & Defenders (GLAD)

1-800-455-GLAD or (617) 426-1350

GLAD provides legal information, referrals and may provide direct legal representation to students and their families to assist students who have been harassed or discriminated against on the basis of sexual orientation and/or HIV status.

Governor's Commission on Gay and Lesbian Youth

(617) 727-7200, ext. 312

The Commission provides information about how to start a Gay/Straight Alliance (GSA) and how to find out about existing GSAs and other GLBT support services.

Governor's Task Force on Hate Crimes, Student Civil Rights Project of the Governor's Task Force on Hate Crimes

(617) 727-6300, ext. 25339 Web site: <http://www.StoptheHate.org>

The Student Civil Rights Project receives reports of hate incidents and provides assistance and referrals for civil rights issues in schools.

La Alianza Hispana - Youth Outreach Program

(617) 427-7175

La Alianza Hispana provides programs and services to the Latino community of Greater Boston, including intervention and referral services to victims of violence and harassment.

Lawyers' Committee for Civil Rights - Project to Combat Racial Hate

(617) 482-1145

The Lawyers' Committee provides free legal services to children and their families who have been harassed or discriminated against on the basis of race or national origin.

Massachusetts Advocacy Center

(617) 357-8431

The Advocacy Center provides legal representation to income-eligible youth with special needs or disabilities and who face suspension or expulsion from school due to disciplinary concerns.

Massachusetts Office on Disability (MOD)

1-800-322-2020 or (617) 727-7440 (Voice and TDD)

MOD sponsors recreational and educational programs for youth with disabilities to share concerns about day-to-day issues and coping strategies, independence and self-care.

National Association for the Advancement of Colored People (NAACP)

Boston (617) 427-9494 New Bedford (508) 991-4416 Springfield (413) 734-2765

South Middlesex (508) 879-7612 Merrimack Valley (978) 975-5177 Cambridge (617) 661-9223

The NAACP provides counseling and legal referral services to African-American youth and empowers youth to resolve problems relating to violence, harassment and discrimination.

National Coalition of Advocates for Students (NCAS)

(617) 357-8507

NCAS seeks equal access to quality public education for children of vulnerable groups, including children of color, children recently immigrated to the United States and children with disabilities.

National Conference for Community and Justice

(617) 451-5010

The National Conference trains youth from diverse racial, ethnic and religious groups to develop leadership skills to address prejudice and intolerance and develop strategies for inclusion.

Samariteens

1-800-252-TEEN

Samariteens provides a free and confidential service staffed by teenage volunteers dedicated to assisting teenagers in need and also provides suicide prevention and intervention strategies.

Sociedad Latina

(617) 442-4299

Sociedad Latina offers treatment and counseling services to Latino youth and programs designed to prevent HIV/AIDS transmission, substance abuse, teen pregnancy and domestic violence.

Urban League

Eastern Massachusetts Office (617) 442-4519 Springfield Office (413) 739-7211

The Urban League provides services and advocacy programs relating to education for people of color, with a focus on poor and low income urban areas.